

The Flinn Report

Illinois

Regulation

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700 Stratton Bldg., Springfield IL 62706

Joint Committee on Administrative Rules

Illinois General Assembly

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Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

☞ CONCEALED WEAPONS

The ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD adopted amendments for rules titled "Illinois Police Training Act" (20 Ill Adm Code 1720), effective 4/11/06. Companion emergency amendments became effective 11/15/05. In compliance with the federal Law Enforcement Officers Safety Act of 2004, standards are added for certifying retired law enforcement officers to carry a concealed weapon. Covered topics include eligibility requirements; application procedures and fees; background investigations; one-year permits; and permit denial, suspension, and revocation procedures. The rulemaking also specifies how a law enforcement department, office, or agency may qualify to administer a certification program for its retired officers and states the qualifications needed to conduct such a Board-approved certification program. Changes since 1st Notice require a \$75 application fee for certification and a permit to carry either a revolver or a semi-automatic pistol and a combined \$100 fee for both weapons, define a 70% passing score on the firearm qualification course-of-fire, and delete redundant text concerning notifi-

cation following an unsuccessful application. Those affected by this rulemaking include county and municipal units of local government and "mobile team units" that are not-for-profit corporations.

Questions/requests for copies: Daniel Nelson, ILETSB, 600 S. 2nd St., Rm. 300, Springfield IL 62704, 217/782-4540.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Pay Plan" (80 Ill Adm Code 310), effective 4/17/06. Companion emergency provisions became effective 12/2/05. The amendments grant a 4% salary increase to merit compensation employees subject to the Personnel Code who have at least 12 months service, clarify salary adjustments for teachers proficient in sign language who are also bilingual, and further reformat this Part. The rulemaking clarifies that "bilingual pay" means money that is paid in addition to base salary if the position's job description requires the use of sign language, Braille, or another 2nd language (e.g., Spanish) or requires the employee to be bilingual. In addition, employee "reclassification"

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Proposed Regulations

PROPERTY TAX HEARINGS

The PROPERTY TAX APPEAL BOARD proposed amendments to "The Practice and Procedure for Appeals Before the Property Tax Appeal Board" (86 Ill Adm Code 1910). The amendments allow the Board to close hearings to the public on the "same basis" and for the "same reasons" that Illinois courts may close a hearing "pursuant to a statutory provision that authorizes closure". To reduce costs, a taxing body that has a revenue interest in an appeal before the Board may adopt the evidence of the board of review or any other intervenor in the appeal, but it may not then present a case-in-chief. Subsequent filings of evidence, motions, and requests for continuances are prohibited. However, the right to present rebuttal evidence and cross-examine witnesses is preserved. Such taxing bodies also are precluded from withholding authorization for settlement of an appeal if the party from whom evidence was adopted reaches an agreement in the pending appeal. Small businesses that own taxable real property in Illinois and that have appeals before PTAB may be affected.

Questions/requests for copies/comments until 6/12/06: James Chipman, PTAB, 402 Stratton Bldg., Springfield IL 62706, 217/782-6076, e-mail: james.chipman@illinois.gov

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

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New Regulations

(with either a lower or higher pay grade) and associated salary adjustments are explained. The amendments add “disaster services leave with pay” and “family responsibility leave” to the list of State employee leaves after which the returning employee will be placed on the step that reflects satisfactory performance increases to which he or she would have been entitled during the leave period. The employee’s creditable service date will also be maintained. Except for the part-time conservation/historic preservation worker, the rulemaking specifies that all part-time daily and hourly special services rates must be calculated using the provided conversion method. Non-bargaining unit trainee rates also receive the 4% adjustment increase. Concerning pay rates designated by the Governor, a Department of Commerce and Economic Opportunity private secretary II’s annual salary is increased from \$60,000 to \$62,400, and the Department of Human Services medical administrator V position with a \$186,000/year salary is eliminated. Calculations for arriving at salaries for employees who live and work out-of-state or in foreign locations are stated, and the rulemaking also notes that such employees may be eligible for the 4% adjustment increase described above. State employees’ salaries when assigned to states other than California and New Jersey are 15% above the pay ranges assigned to identical positions within Illinois; ranges for employees in California and New Jersey are 30% above identical Illinois positions. Additional salary adjustments for State employees living and working in a foreign country are made once a month to compensate for any change in the currency exchange rate of that country. The rulemaking additionally provides that the negotiated monthly salary rate, effective 1/1/06, for boiler safety specialists in the central region is \$5242.62. Changes in the rulemaking since 1st Notice reflect adoption of additional proposed or peremptory amendments to Part 310 after this rulemaking was proposed on 1/13/06.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570.

☞ DRYCLEANERS

The DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS adopted amendments for “General Program” (35 Ill Adm Code 1500), effective 4/13/06, to provide that claimants have 120 days after being notified that their remedial claim has been prioritized for funding to obtain and submit to the Council cost proposals for beginning the remedial action. If the facility fails to do so, its claim will be removed from that prioritization list but will be included in the next prioritization pool. New provisions for the drycleaner facility insurance program specify: (1) coverage is not provided for a release that occurred before the coverage date; (2) the Council is not responsible for defending a claim made against a named insured on a Council-issued policy; (3) coverage shall automatically expire 60 days after a drycleaning facility ceases operation; (4) the Council may cancel an insurance policy for nonpayment, misrepresentation, or other reasons by notifying the insured within specified time frames; and (5) coverage shall remain in effect for 1 year and is renewable for those insureds in good standing. Carbon dioxide and propylene glycol ether DPnB are classified as “green” (no remediation required) solvents, and claim forms must indicate whether the claim is for remedial account program benefits or insurance account program benefits. Small businesses affected by this rulemaking include drycleaning operators.

Questions/requests for copies: H. Patrick Eriksen, Drycleaner Environmental Response Trust Fund Council of Illinois, P.O. Box 7380, Bensenville IL 60106-7380, 630/741-0022.

☞ PROPERTY TAX APPEALS

The PROPERTY TAX APPEAL BOARD

adopted amendments for “Practice and Procedure for Appeals before the Property Tax Appeal Board” (86 Ill Adm Code 1910), effective 4/14/06, to require the Board to submit an annual report to the Governor and General Assembly covering the preceding 5-year period of commercial and industrial property assessments for each county in the State. The report must contain: (1) assessment reduction requests in the amount of \$100,000 or more, (2) the total number of cases decided by the Board, and (3) total assessed value changes due to Board decisions. This report, as well as any other publication produced by PTAB, must be distributed upon request to each chief county assessment officer free of charge. The rulemaking also requires the Board to electronically distribute appeal information concerning Cook County properties (including residential) to the Cook County assessor every 30 days free of charge. The Board is additionally directed to establish an informal appeal procedure for property assessments, and rules relating to privileged communications and privileged topics must be observed. A change since 1st Notice deletes the proposed requirement that PTAB follow the rules of evidence as applied in the courts to civil actions when a change in assessed valuation of \$300,000 or more is sought and the parties are represented by attorneys, thus excluding this provision from the adopted rulemaking. All small businesses owning taxable real property in Illinois may be affected by this rulemaking.

Questions/requests for copies: James W. Chipman, PTAB, 402 Stratton Bldg., Springfield IL 62706, 217/782-6076, e-mail: james.chipman@illinois.gov

DRIVER’S LICENSES

The SECRETARY OF STATE adopted an emergency amendment for “Illinois Safety Responsibility Law” (92 Ill. Adm. Code 1070), effective 4/14/06, for a maximum of 150 days. An identical proposed amendment appears in this issue of the *Illinois Register*. The emer-

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agency rulemaking prohibits insurance companies that issue automobile coverage from sending notices of policy cancellation or termination for non-payment of premiums to the Secretary of State for suspension of a driver's license until **after** the insured driver fails to pay the premium payment.

(SOS explains that the Department of Financial and Professional Regulation found it necessary to issue a cease-and-desist order to an auto insurance company that was prematurely and inaccurately notifying SOS that insured drivers were in arrears on their auto insurance payments, thereby

causing SOS to issue unwarranted suspensions of driving privileges.)

Questions/requests for copies/comments concerning the proposed rulemaking until 6/12/06: Nathan Maddox, SOS, 298 Howlett Bldg., Springfield IL 62701, 217/785-3094.

Proposed Regulations

SCHOOL CRISIS PLANS

The JOINT COMMITTEE ON ADMINISTRATIVE RULES announced the correction of a publication error that occurred in the 4/7/06 *Illinois Register* concerning new Parts jointly proposed by the State Board of Education and the Office of the State Fire Marshal titled "Joint Rules of the Office of the

State Fire Marshal and the State Board of Education: School Emergency and Crisis Response Plans". The Register notice pages and proposed rule text erroneously indicated that both sets of rules were at 29 Ill Adm Code 1500. However, the OSFM rules are at 29 Ill Adm Code 1510. When the joint rulemakings are adopted, the text will appear at SBE's Part 1500, and

OSFM's Part 1510 will only cross-reference the Part 1500 text. Thus, unnecessary duplication of 2 identical texts will be avoided.

Questions/requests for copies: Mary Craig or Bradley Taylor, JCAR, 700 Stratton Bldg., Springfield IL 62706, 217/785-2254.

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's May 9, 2006 meeting in Chicago.

PROPERTY TAX APPEAL BOARD

"Practice and Procedure for Appeals Before the Property Tax Appeal Board" (86 Ill Adm Code 1910) proposed 2/24/06 (30 Ill Reg 2466)

DEPARTMENT OF NATURAL RESOURCES

"Competitive Tournament Fishing on State Owned and/or Leased Water Areas" (17 Ill Adm Code 115) proposed 3/3/06 (30 Ill Reg 2581)

"Off-Highway Vehicle Recreational Trails Grant Program" (17 Ill Adm Code 3045) proposed 3/3/06 (30 Ill Reg 2584)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Conditions of Employment" (80 Ill Adm Code 303) proposed 11/28/05 (29 Ill Reg 19000)

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